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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

In re ANTOINE J., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTOINE J.,

Defendant and Appellant.

A144361

(Contra Costa County
Super. Ct. No. J12-00191)

Antoine J. filed a timely notice of appeal from the dispositional order of the Contra Costa Juvenile Court committing him to the Bar-O Boys Ranch. Antoine's appointed counsel has filed a brief in which she advises that she finds no arguable issues to present, and, pursuant to *People v. Wende* (1979) 25 Cal.3d 436, requests this court conduct an independent review of the record to determine if there are any arguable issues that require briefing. Appointed counsel advised Antoine he was entitled to file a supplemental brief, but Antoine elected not to do so.

After reviewing the record, we have determined appointed counsel has prepared a scrupulously honest procedural narrative that has just the appropriate amount of detail. With minor, non-substantive editorial changes, we adopt it as our own:

On February 3, 2012, Antoine J., who was 14 years old at the time, was arrested and alleged to have committed the previous day violations of Penal Code sections

211/212.5, subdivision (c) (second degree robbery—a felony), section 242 (battery—misdemeanor), and section 186.22(d) (promoting criminal conduct by a street gang). Antoine, accompanied by several other boys, accosted a minor victim, took \$40 and a cell phone from him, and punched the victim in the face. On February 6, 2012, a Welfare and Institutions Code section 602 wardship petition was filed. At a February 9, 2012, pretrial conference, Antoine pleaded no contest to the robbery and battery allegations; the gang allegation was dismissed. On February 27, 2012, after a disposition hearing, Antoine was placed at the Orin Allen Youth Rehabilitation Facility (OAYRF) for completion of a 90-day program, to be followed by a period of conditional release and then probation. Antoine was ordered, among other terms of probation, not to participate in any gang-related activity, not to associate with minor C.R. (who also participated in the robbery), to have no contact with the victim, and to attend school and obey school authorities.

Antoine successfully completed the OAYRF program, but just four days after leaving the program, on May 30, 2012, he was arrested and alleged to have committed first degree residential burglary, a felony, and resisting arrest—a misdemeanor (Pen. Code, § 148). Antoine along with another minor, had tried to break into a residence and fled when police pursued him. Another section 602 petition was filed. Antoine admitted to the allegations. Although the Probation Department recommended placement at OAYRF for a six-month program, the court placed Antoine at Environmental Alternatives, Warner Mountains Group Home. Antoine did well in the Environmental for about six months. But, in March 2014, it was alleged that he violated the terms of his probation (VOP) after he was suspended from school for fighting.

When the Probation Department spoke to Antoine about the school suspension and explained that he had violated the terms of his probation, Antoine admitted he had been associating with C.R., the minor co-participant in the 2012 robbery whom Antoine had been ordered to stay away from. A hearing on the VOP was scheduled for March 18, 2014, and although Antoine was provided notice of the hearing, he did not appear. A bench warrant was issued. On November 10, 2014, Antoine was picked up on the warrant. At a November 19, 2014 hearing, Antoine admitted to the VOP charges. The

Probation Department then prepared a report for the court recommending Antoine be placed at Bar-O Boys Ranch, a structured setting with intensive services near the Oregon border. Antoine contested the recommendation.

At the December 2014 dispositional hearing, Antoine's grandfather made a statement proposing that Antoine be placed with him in Yuba City. The grandfather indicated he would help Antoine get into a trade union, make sure he had the proper equipment, and ensure transportation to and from his job. He promised to teach Antoine a good work ethic, counsel him, coach him, train him, and "build up his moral and confidence." Defense counsel indicated he thought the grandfather's proposed plan was a good option for Antoine, but acknowledged that because Antoine had missed the March 2014 VOP hearing and had evaded for several months, it was unlikely that the court would agree to release him with an ankle monitor. Accordingly, defense counsel urged the court to place Antoine at the Cornell Youth Facility in Byron, California, so that he could remain close to and continue to be supported by his family, rather than sending him to Bar-O Boys Ranch, as recommended by the Probation Department.

The prosecuting attorney argued that the facility in Byron was not an appropriate placement for Antoine. She contended that Antoine had been given opportunity after opportunity, placing him at the facility in Byron would be a step back (because he had already completed a similar program), and that the facility did not have sufficient services. She noted that Antoine's criminality had continued for many years and that he was only present 18 out of the last 66 days of school. She argued that Bar-O, where Antoine would receive extensive counseling, therapy, and vocational training, was the appropriate placement.

The court agreed with the prosecuting attorney, and concluded Bar-O was the appropriate placement. The court reasoned that Antoine needed a rigorous program, counseling, training, education for his future, and Bar-O could provide those things. The court also reasoned that because Bar-O is so far away and so remotely located, running away was not much of a risk. The court further noted that the placement was appropriate

to hold Antoine accountable for his failure to achieve the benefit provided by the previous programs he had completed.

We believe the juvenile court's decision deserves to be quoted at length: "[W]e are faced with . . . he is going to be 18 in about seven months. Other placements might be available, but will not keep him past 18. Bar-O happens to be a commitment, rather than a placement, and . . . that legally means that he gets custody credits for being up there [¶] So there is no question . . . that he needs a program, and he needs counseling. He needs training. He needs education for his future in terms of a career and a job Bar-O . . . is in a fairly remote area of Northern California. If anybody walks away from that, they got a long hike in cold and miserable conditions

"The point being here is that this placement . . . it holds him accountable for the fact that he has not achieved the benefit in the two short and long programs that he has been involved in. Something has not connected with him, and we need to go after him again for our goals which are rehabilitation and reformation It's a rigorous program, but they have excellent opportunities up there . . .

"I have to agree with the probation officer's recommendation, but I want the family to understand that I am doing so because placement with grandfather up in Yuba City right at this point with just a probation order hanging on him is just not going to work. He's demonstrated that he . . . has not profited by the things we have tried to give to him in the past.

"So with gratefulness to the grandfather and parents . . . and others, whose participation I hope will continue, for today I am going to continue him as a ward of the court with no termination date and find that his custody must be removed from his parents or guardians and order probation to take custody of the minor and place him at Bar-O where he has been accepted. The commitment, I should say, is the operative word, committed to Bar-O. The maximum time for that commitment is the balance of his custody time which is 5 years, 3 months and 20 days. [¶] . . . [J]ust because I said that doesn't mean that—he can get through that program up there in a . . . much shorter period of time if he buys into it, and that's what he's got to do."

Our independent review discloses that Antoine received appropriate notice (see Welf. & Inst. Code, § 777, subd. (a); Cal. Rules of Court, rule 5.580(a)) and was at all times ably represented by independent counsel. His admission of the allegations was preceded by the appropriate admonitions and advisement of rights. The commitment to Bar-O Boys Ranch was an authorized disposition (Welf. & Inst. Code, § 730, subd. (a)), and, considering Antoine's history, was not an abuse of the juvenile court's discretion. The previously determined maximum period of confinement for the commitment is not improper. We have identified no issues that require briefing.

The dispositional order is affirmed.

Richman, Acting P.J.

We concur:

Stewart, J.

Miller, J.

A144361; *In re A.J.*